

Before the
Federal Communications Commission
Washington, DC 20554

ORIGINAL
FILED/ACCEPTED

In the Matter of

JAN 20 2011

Amendment of Section 73.622(i),) MB Docket No. _____
Post-Transition DTV Table of Allotments) RM - _____
El Paso, TX

Federal Communications Commission
Office of the Secretary

To: Secretary

Attn: Barbara Kreisman, Esq.
Chief, Video Division, MEDIA BUREAU

PETITION FOR RULEMAKING

TO AMEND THE DTV TABLE OF ALLOTMENTS

NPG of Texas, LP, the licensee of KVIA-TV, El Paso, TX ("Station"), hereby petitions the FCC to initiate a rulemaking and thereafter to amend Section 73.622(i) of its rules, in order to substitute Channel 17, in lieu of Channel 7 at El Paso, TX, as the Station's Post-Transition DTV allotment.¹

When granted, the Petition would amend the FCC's Post-Transition DTV Table of Allotments, 47 CFR § 622(i), as follows:

<i>Present</i>	<i>Proposed</i>
El Paso, TX 7, 9, *13, 15, 18, 25, *39, 51	9 ² , *13, 15, 17 18, 25, *39, 51

The proposed substitution of Ch. 17 for Ch. 7 would serve the public interest by significantly improving the public's digital signal reception from KVIA-TV, the ABC-TV affiliate in El Paso,

¹ See 47 CFR §§ 1.401, 73.616 and 73.622.

² There is a pending Notice of Proposed Rulemaking, MB Docket No. 11-4, RM-11616, DA 11-74, released January 19, 2011, whereby station KTSM-TV, El Paso, proposes to substitute Ch. 16 for Ch. 9 at El Paso, TX.

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a top-100 DMA and a TV market expressly recognized by the FCC as one that presents a special, post-Transition "challenge" because of its larger-than-average number of over-the-air TV viewers.

For the last 18 months, the FCC has been aware of, and working with the Station to resolve, the extensive problems faced by KVIA-TV following the FCC's July 12, 2009 Post-Transition DTV deadline. Less than two weeks after that deadline, the Chief of the Video Division granted KVIA-TV's Request for STA, in order that the Station's diminished DTV service -- throughout its DMA on digital Ch. 7 -- could be supplemented by continued digital service from KVIA-TV's Pre-Transition digital Ch. 17.³ When the Station concluded six months later that additional time was needed for further signal coverage studies of both digital Ch. 7 and also digital Ch. 17, the Station filed a "Request for Extension of Engineering STA" -- which has remained pending for the past 12 months. See BEDSTA-20100121ACK, at Exhibit 36. That "Request for Extension of Engineering STA" noted that one possible solution to the Station's signal coverage problem -- an increase in power for digital Ch. 7 -- had reluctantly been abandoned.⁴

Accordingly, following extensive testing and comparative technical studies, the Station's engineers have concluded that the public best will be served by the Licensee's permanent change in KVIA-TV's digital operations, from Ch. 7 to Ch. 17.⁵ This requested change in the DTV

³ See BDSTA-20090707ADB, granted July 23, 2009 (KVIA-TV's Request for STA had informed the FCC that, since commencing digital Ch. 7 service, it had experienced "significant signal coverage problems" throughout the DMA. Both from its own technical studies and also from viewer feedback [via phone and e-mail], the Station determined that its digital Ch. 7 signal simply failed adequately to reach a significant number of DMA viewers, in both far-west Texas and in southern New Mexico -- viewers who had been able to receive the Station's Ch. 7 analog signal. Moreover, the Station also experienced digital-signal-penetration problems in El Paso, the Station's city of license. The Station's STA Request included specific viewer names and comments. The Station's digital Ch. 7 signal coverage problems were confirmed through many on-site visits by Station engineers to viewers who had reception complaints. The Station's request for STA expressly noted that a grant also would enable the Station to study a possible channel allotment change, from digital Ch. 7 to Ch. 17).

⁴ The Station's January 21, 2010 Request for Extension of STA expressly noted that its Form 301 application for increased ERP for its digital Ch. 7 facility [BPCDT-20091026AEI] had required the inclusion of a waiver request, which the Video Division staff subsequently advised the Station (informally) was unlikely to be granted.

⁵ See Engineering Statement, attached hereto as Exhibit A.

Table of Allotments can be accomplished in compliance with the FCC's rules. First, the proposed Ch. 17 service will provide the required coverage to El Paso, the Station's community of license.⁶ Moreover, no unlawful interference from the proposed Ch. 17 facility would result.⁷ Furthermore, the proposed Ch. 17 digital operations would comply with other FCC rules and, in addition, further Mexican concurrence would not be required.⁸

Accordingly, the public interest would be served and the KVIA-TV viewers in Texas and New Mexico would receive greatly improved digital TV service from the grant of this proposal, to amend the FCC's DTV Table of Allotments to substitute Ch. 17 for Ch. 7 for KVIA-TV, El Paso, TX.⁹ An appropriate NPRM should be promptly issued¹⁰ and, when granted, the proposed channel change should be made effective immediately upon publication in the Federal Register.¹¹ Thereafter, KVIA-TV will apply promptly to construct and license the Ch. 17 digital facility.

Respectfully submitted,



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January 20, 2011

⁶ See Exhibit A.

⁷ Id.

⁸ Id.

⁹ Upon a "final" FCC decision, amending the DTV Table of Allotments to substitute Ch. 17 for Ch. 7 at El Paso, TX, Petitioner would not object to the Video Division's dismissal of both (a) the Station's October 26, 2009 Form 301 application for an increase in ERP for KVIA-TV's Ch. 7 facility and also (b) its January 21, 2010 Request for Extension of Engineering STA.

¹⁰ Accord: NPRM, DA 11-74, supra.

¹¹ See Report and Order (Ft. Myers, FL), DA 09-2456, rel. November 20, 2009 (¶ 4).

EXHIBIT A

TECHNICAL EXHIBIT
IN SUPPORT OF PETITION FOR RULEMAKING
TELEVISION STATION KVIA-TV
EL PASO, TEXAS

January 19, 2011

TECHNICAL EXHIBIT
IN SUPPORT OF PETITION FOR RULEMAKING
TELEVISION STATION KVIA-TV
EL PASO, TEXAS

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TECHNICAL EXHIBIT
IN SUPPORT OF PETITION FOR RULEMAKING
TELEVISION STATION KVIA-TV
EL PASO, TEXAS

Technical Statement

This Technical Statement was prepared on behalf of television broadcast station KVIA-TV, El Paso, Texas (Channel 7), in support of a Petition for Rulemaking to amend Section 73.622(i) of the FCC Rules to change the KVIA-TV post-transition digital television channel. KVIA-TV is the ABC network affiliate in the El Paso television market.

KVIA-TV is authorized for operation on Channel 7 with a maximum directional effective radiated power (ERP) of 32.4 kW and antenna height above average terrain (HAAT) of 592 m.* Due to unresolved reception issues remaining on the high-VHF band Channel 7, KVIA-TV desires to obtain a full-service UHF channel so as to mitigate these reception issues. Specifically, KVIA-TV is proposing operation on Channel 17, its former pre-transition digital channel.†

KVIA-TV proposes to operate on UHF channel 17 with a maximum ERP of 500 kW employing a directional antenna with an antenna HAAT of 577 meters. The proposal is specified with the same channel, transmitter site, HAAT and antenna pattern

* See FCC File No. BPCDT-20080222ADB. An application for license is pending for this facility. See FCC File No. BLCDDT-20090612AGL.

† It is noted that station KTSM-TV, El Paso, has proposed to change its allotment from Channel 9 to Channel 16 in a Petition for Rulemaking filed on November 29, 2010. See *Notice of Proposed Rulemaking*, MB Docket No. 11-4, DA 11-74, Released: January 19, 2011. KVIA-TV and KTSM-TV currently share an antenna for VHF operations on Channels 7 and 9. Both stations would also share an antenna for UHF operations on Channel 16 and 17.

that KVIA-TV employed for its pre-transition digital facility.[‡] The proposed ERP of 500 kW is higher than that previously employed, but the ERP and HAAT combination of facilities meet the ‘largest station in the market’ provision outlined in Section 73.622(f)(5) of the FCC Rules.[§] Specifications for the proposal are included herein at Figure 1.

Coverage Compliance

The proposed KVIA-TV allotment facility complies with the coverage requirements of Section 73.625 of the FCC Rules. A map showing the predicted coverage contours is included herein at Figure 2. As indicated, the predicted 48 dBu, f(50,90) contour encompasses the entire community of El Paso as required.

Domestic Allocation Concerns

The proposed Channel 17 facility meets the requirements of Section 73.616 of the FCC Rules concerning predicted interference to other DTV allotments and assignment records. Longley-Rice interference analyses were conducted pursuant to the requirements of the FCC Rules and FCC OET Bulletin No. 69^{**}. The results of the interference analyses for the proposed facility are summarized herein at Figure 3. As indicated therein, the proposed facility will meet the 0.5% *de minimis* interference criterion outlined in the FCC Rules to all pertinent allotments and assignments.^{††}

[‡] See FCC File No. BLCDDT-20060207ABA.

[§] For example, the licensed operation of KFOX-TV, El Paso, TX (Ch. 15, 1000 kW, 602 m), has a 41 dBu noise-limited service contour that contains an area of 38,900 sq. km. The instant proposal for KVIA-TV will result in a 41 dBu noise-limited service contour containing an area of 35,930 sq. km.

^{**} See *Longley-Rice Methodology for Evaluating TV Coverage and Interference*, OET Bulletin 69, Federal Communications Commission (February 6, 2004).

^{††} It is also noted that the proposal is fully compliant with the spacing requirements of Section 73.623(d) of the FCC Rules, although this is not a requirement for existing stations proposing channel substitutions.

With respect to Class A TV station protection, the proposal has been evaluated according to the requirements of the FCC Rules. The analysis reveals no potentially affected Class A TV stations.

Mexican Allocation Concerns

The allotment for Channel 17 at El Paso was coordinated with Mexico in the 1998 *U.S.-Mexican MOU* concerning digital television.^{††} The allotment is listed in Appendix 4 of the *U.S.-Mexican MOU* as an unrestricted allotment. A maximized facility for KVIA-TV on Channel 17 with a non-directional ERP of 950 kW and an HAAT of 574 m was coordinated with Mexico for this allotment prior to its grant by the FCC in 2002.^{§§} The KVIA-TV allotment facility herein proposed has predicted coverage that is entirely contained within that 950 kW facility previously coordinated with Mexico for Channel 17 at El Paso. This is demonstrated herein at Figure 4. Therefore, further coordination of the instant allotment with Mexico is believed not to be necessary.



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January 19, 2011

^{††} See *Memorandum of Understanding Between the Federal Communications Commission of the United States of America and the Secretaria de Comunicaciones y Transportes of the United Mexican States Related to the use of the 54-72 MHz, 76-88 MHz, 174-216 MHz and 470-806 MHz Bands for the Digital Television Broadcasting Service Along the Common Border* (July 22, 1998) (referred to herein as “*U.S.-Mexican MOU*”).

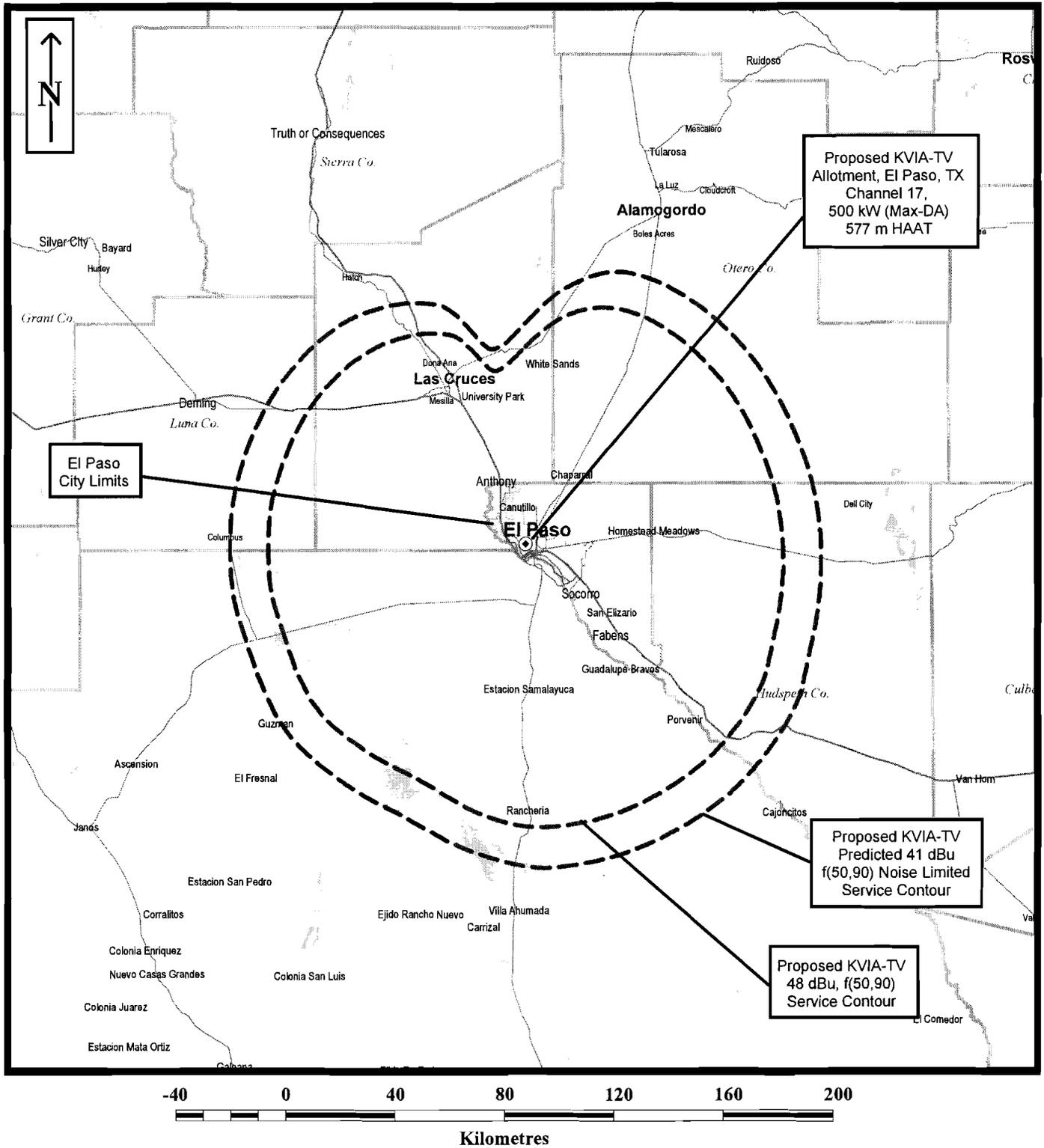
^{§§} See FCC File No. BPCDT-19991029AHQ, granted by the FCC on February 12, 2002.

TECHNICAL EXHIBIT
 IN SUPPORT OF PETITION FOR RULEMAKING
 TELEVISION STATION KVIA-TV
 EL PASO, TEXAS

Technical Specifications

Channel / Frequency Band	17 / 488-494 MHz
Zone	II
Reference Coordinates (NAD 27):	
Latitude	31°48'19" North
Longitude	106°28'59" West
Height of Radiation Center Above Mean Sea Level	1819 m
Height of Radiation Center Above Ground Level	111 m
Height of Radiation Center Above Average Terrain	577 m
Maximum effective Radiated Power	500 kW

Directional Antenna Relative Field Values (note rotation below)					
Degrees	Value	Degrees	Value	Degrees	Value
0	1.000	120	0.600	240	0.600
10	0.990	130	0.610	250	0.600
20	0.970	140	0.630	260	0.630
30	0.950	150	0.660	270	0.660
40	0.930	160	0.690	280	0.710
50	0.880	170	0.700	290	0.760
60	0.830	180	0.710	300	0.830
70	0.760	190	0.700	310	0.880
80	0.710	200	0.690	320	0.930
90	0.660	210	0.660	330	0.950
100	0.630	220	0.630	340	0.970
110	0.600	230	0.610	350	0.990
Antenna Rotation = 180°					



PREDICTED COVERAGE CONTOURS

duTreil, Lundin & Rackley, Inc. Sarasota, Florida

OET-69 Interference Analysis (Proposed KVIA-TV, El Paso, TX, Ch. 17)

Percent allowed new interference: 0.500
Percent allowed new interference to non Class A LPTV: 2.000
TW Census data selected 2000
Data Base Selected
/export/home/cdbs/pt_tvdb.sff
TV INTERFERENCE and SPACING ANALYSIS PROGRAM

Date: 01-19-2011

Record Selected for Analysis

KVIA-TV USERRECORD-01 EL PASO TX US
Channel 17 ERP 500. kW HAAT 577. m RCAMSL 01819 m
Latitude 031-48-19 Longitude 0106-28-59
Status APP Zone 2 Border Site number: 01
Dir Antenna Make CDB Model 0000000069966 Beam tilt N Ref Azimuth 180.
Last update Cutoff date Docket
Comments
Applicant

Cell Size for Service Analysis 2.0 km/side

Distance Increments for Longley-Rice Analysis 1.00 km

Facility (site # 01) does not meet maximum height/power limits
Channel 17 ERP = 500.00 HAAT = 577.

Site number 1			
Azimuth (Deg)	ERP (kW)	HAAT (m)	41.0 dBu F(50,90) (km)
0.0	252.050	276.8	81.6
45.0	192.200	620.2	106.5
90.0	217.800	621.9	107.7
135.0	409.512	693.1	116.5
180.0	500.000	643.5	116.1
225.0	409.512	551.7	109.7
270.0	217.800	632.0	108.1
315.0	192.200	580.6	104.7

Evaluation toward Class A Stations from site # 01

No Spacing violations or contour overlap
to Class A stations from site # 01

Class A Evaluation Complete

Checks to Site Number 01

Proposed facility OK to FCC Monitoring Stations

Proposed facility OK toward West Virginia quiet zone

Proposed facility OK toward Table Mountain

Proposed facility is beyond the Canadian coordination distance

Proposed facility is within the Mexican coordination distance
Distance to border = 4.4km

Proposed station is OK toward AM broadcast stations

OET-69 Interference Analysis (Proposed KVIA-TV, El Paso, TX, Ch. 17)

 Start of Interference Analysis

Channel	Proposed Station Call	City/State	ARN
17	KVIA-TV	EL PASO TX	USERRECORD01

Stations Potentially Affected by Proposed Station

Chan	Call	City/State	Dist(km)	Status	Application	Ref. No.
16	KTSM-DR	EL PASO TX	0.0	APP	BPRM	20101129APK
17	KAZQ	ALBUQUERQUE NM	378.9	LIC	BLEDT	20051012ACK
18	KDBC-TV	EL PASO TX	1.0	LIC	BLCDT	20050707ACZ
18	KDBC-TV	EL PASO TX	1.0	CP MOD	BMPCDT	20090121ABN

Analysis of Interference to Affected Station 1

Analysis of current record

Channel	Call	City/State	Application	Ref. No.
16	KTSM-DR	EL PASO TX	BPRM	-20101129APK

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist(km)	Status	Application	Ref. No.
15	KFOX-TV	EL PASO TX	1.2	LIC	BLCDT	-20051103AAE
17	KVIA-TV	EL PASO TX	0.0	APP	USERRECORD-01	

Proposal causes no interference

#####

Analysis of Interference to Affected Station 2

Analysis of current record

Channel	Call	City/State	Application	Ref. No.
17	KAZQ	ALBUQUERQUE NM	BLEDT	-20051012ACK

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist(km)	Status	Application	Ref. No.
17	KVIA-TV	EL PASO TX	378.9	APP	USERRECORD-01	

Proposal causes no interference

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Analysis of Interference to Affected Station 3

Analysis of current record

Channel	Call	City/State	Application	Ref. No.
18	KDBC-TV	EL PASO TX	BLCDT	-20050707ACZ

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist(km)	Status	Application	Ref. No.
18	KPTF-DT	FARWELL TX	423.4	CP	BPCDT	-20080310ADJ
18	KUPB	MIDLAND TX	373.0	LIC	BLCDT	-20090615ABW
17	KVIA-TV	EL PASO TX	1.0	APP	USERRECORD-01	

Total scenarios = 1

Result key: 1
 Scenario 1 Affected station 3
 Before Analysis

Results for: 18A TX EL PASO BLCDT 20050707ACZ LIC

OET-69 Interference Analysis (Proposed KVIA-TV, El Paso, TX, Ch. 17)

HAAT 396.0 m, ATV ERP 363.0 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	854382	26918.2
not affected by terrain losses	849561	25489.3
lost to NTSC IX	0	0.0
lost to additional IX by ATV	0	0.0
lost to ATV IX only	0	0.0
lost to all IX	0	0.0

Potential Interfering Stations Included in above Scenario 1

After Analysis

Results for: 18A TX EL PASO BLCDT 20050707ACZ LIC

HAAT 396.0 m, ATV ERP 363.0 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	854382	26918.2
not affected by terrain losses	849561	25489.3
lost to NTSC IX	0	0.0
lost to additional IX by ATV	283	1421.0
lost to ATV IX only	283	1421.0
lost to all IX	283	1421.0

Potential Interfering Stations Included in above Scenario 1

17A TX EL PASO USERRECORD01 APP

Percent new IX = 0.0333%

Worst case new IX 0.0333% Scenario 1

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Analysis of Interference to Affected Station 4

Analysis of current record

Channel	Call	City/State	Application	Ref. No.
18	KDBC-TV	EL PASO TX	BMPCDT	-20090121ABN

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist(km)	Status	Application	Ref. No.
18	KPTF-DT	FARWELL TX	423.4	CP	BPCDT	-20080310ADJ
18	KUPB	MIDLAND TX	373.0	LIC	BLCDT	-20090615ABW
17	KVIA-TV	EL PASO TX	1.0	APP	USERRECORD-01	

Total scenarios = 1

Result key: 2
 Scenario 1 Affected station 4
 Before Analysis

Results for: 18A TX EL PASO BMPCDT 20090121ABN CP

HAAT 467.0 m, ATV ERP 413.0 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	855377	30654.0
not affected by terrain losses	850751	28564.8
lost to NTSC IX	0	0.0
lost to additional IX by ATV	35	140.1
lost to ATV IX only	35	140.1
lost to all IX	35	140.1

Potential Interfering Stations Included in above Scenario 1

18A TX MIDLAND BLCDT 20090615ABW LIC

After Analysis

Results for: 18A TX EL PASO BMPCDT 20090121ABN CP

HAAT 467.0 m, ATV ERP 413.0 kW

OET-69 Interference Analysis (Proposed KVIA-TV, El Paso, TX, Ch. 17)

	POPULATION	AREA (sq km)
within Noise Limited Contour	855377	30654.0
not affected by terrain losses	850751	28564.8
lost to NTSC IX	0	0.0
lost to additional IX by ATV	40	920.5
lost to ATV IX only	40	920.5
lost to all IX	40	920.5

Potential Interfering Stations Included in above Scenario 1

18A TX MIDLAND	BLCDT	20090615ABW	LIC
17A TX EL PASO	USERRECORD01		APP

Percent new IX = 0.0006%

Worst case new IX 0.0006% Scenario 1

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Analysis of Interference to Affected Station 5

Analysis of current record

Channel	Call	City/State	Application Ref. No.
17	KVIA-TV	EL PASO TX	USERRECORD-01

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist(km)	Status	Application Ref. No.
16	KTSM-DR	EL PASO TX	0.0	APP	BPRM -20101129APK
17	KAZQ	ALBUQUERQUE NM	378.9	LIC	BLEDT -20051012ACK
18	KDBC-TV	EL PASO TX	1.0	LIC	BLCDT -20050707ACZ
18	KDBC-TV	EL PASO TX	1.0	CP MOD	BMPCDT -20090121ABN

Total scenarios = 2

Result key: 3

Scenario 1 Affected station 5

Before Analysis

Results for: 17A TX EL PASO USERRECORD01 APP

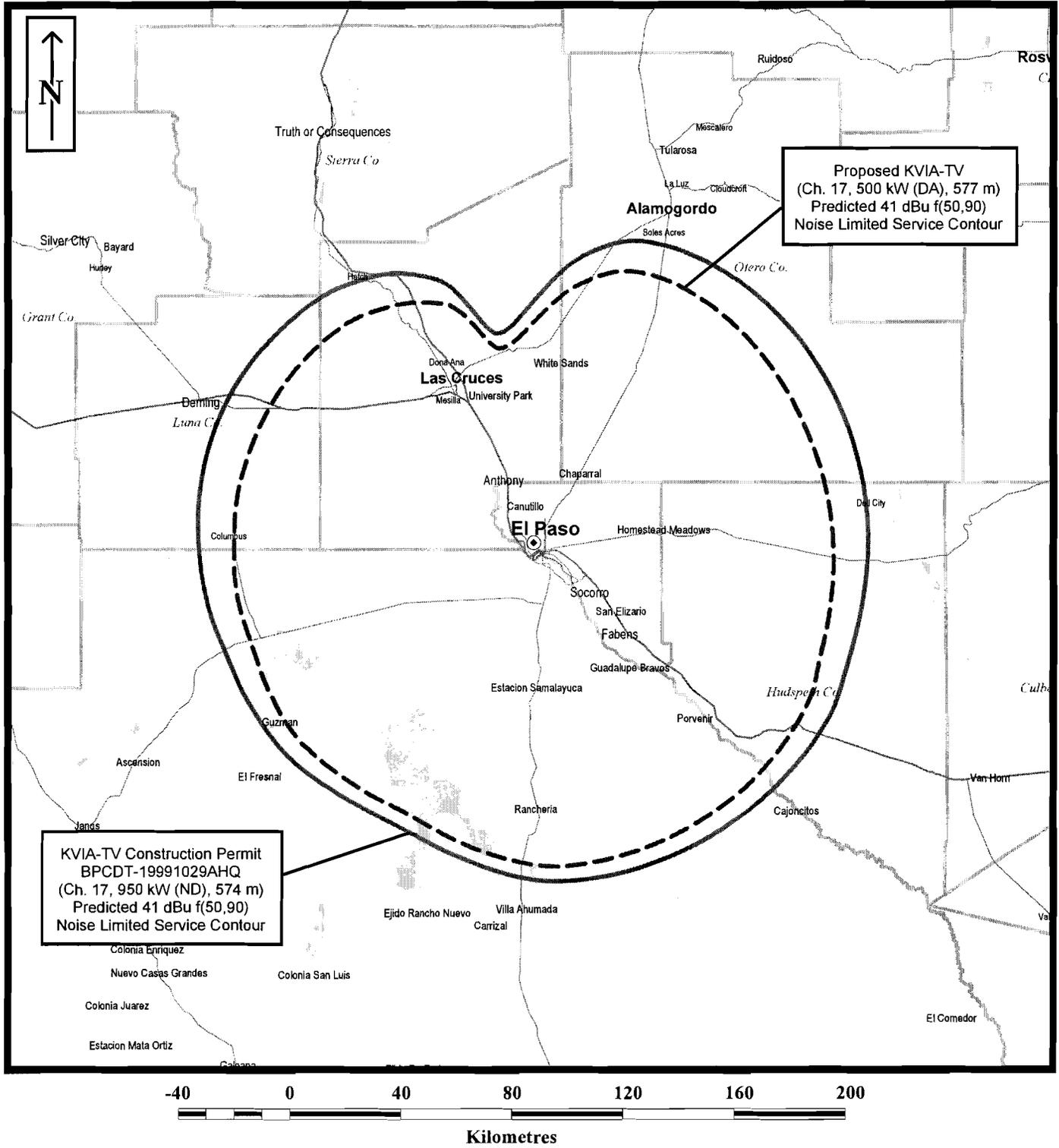
	POPULATION	AREA (sq km)
HAAT 577.0 m, ATV ERP 500.0 kW		
within Noise Limited Contour	857335	38842.9
not affected by terrain losses	852975	36851.2
lost to NTSC IX	0	0.0
lost to additional IX by ATV	24	32.1
lost to ATV IX only	24	32.1
lost to all IX	24	32.1

Potential Interfering Stations Included in above Scenario 1

18A TX EL PASO	BLCDT	20050707ACZ	LIC
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PREDICTED COVERAGE COMPARISON WITH PREVIOUSLY COORDINATED ASSIGNMENT FOR KVIA-TV ON CHANNEL 17